

June 29, 2022

**VIA HAND DELIVERY**

**Request for CEII Treatment**

Douglas L. Johnson, P.E.  
Regional Engineer  
Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Dam Safety and Inspections –  
Portland Regional Office  
805 SW Broadway, Suite 550  
Portland, Oregon 97205

Kimberly D. Bose  
Secretary, Federal Energy Regulatory  
Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Klamath River Renewal Corporation’s June 2022 Final Construction Documents  
Submittal; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063**

Dear Mr. Johnson:

In reference to your letter of October 13, 2021, the Klamath River Renewal Corporation (Renewal Corporation) files its June 2022 Final Construction Documents for FERC review and comment prior to the Commission’s decision on the surrender application. The Renewal Corporation appreciates your willingness to perform a preliminary review of this consolidated construction package. The Renewal Corporation understands that, after the Commission acts on the surrender application, revisions to these documents may be necessary before the start of construction. The Renewal Corporation is currently submitting this consolidated construction package to the Lower Klamath Project Board of Consultants (BOC) for review and comment.<sup>1</sup>

The Renewal Corporation team includes consultants and contractors selected to support the preparation of the design and construction documents, support the regulatory and permitting process, and construct the components of the Lower Klamath Project. Table 1 identifies team members that have contributed to this submittal and provides a summary of their respective roles and responsibilities. Table 2 presents a list of the construction documents submitted by the Renewal Corporation for review and comment by FERC and the BOC. Following Table 2, a

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<sup>1</sup> The Renewal Corporation previously filed 60% design specifications (FERC accession nos. 20201130-0008, 20201130-4003, 20201130-4004, 20201130-4005) and 100% design specifications (FERC accession nos. 20210226-4000, 20210226-4001, 20210226-4002, 20210226-4003, 20210226-4004, 20210301-0027) for review by the Commission and the BOC. This filing provides the Commission and the BOC an updated and comprehensive consolidated construction package for further review.

brief overview of the content of this consolidated construction package is provided for your reference and information.

**Table 1. Renewal Corporation - Major Consultants and Contractors**

| <b>Consultant or Contractor</b> | <b>Role</b>                          | <b>Project Responsibility</b>  |
|---------------------------------|--------------------------------------|--|
| McMillen Jacobs Associates      | Owners Representative                | Provides technical oversight and management during the planning, design, and regulatory permitting phases of the work. Serves as construction manager during the Project construction for all construction work components.  |
| Camas                           | Regulatory and Permitting            | Lead consultant for the planning and implementation of the regulatory and permitting process. Assist in the regulatory and permitting compliance and monitoring during construction.   |
| Kiewit/Knight Piesold           | Dam Removal Design Builder           | Progressive Design Builder for the dam removal work package for JC Boyle, Copco No. 1, Copco No. 2, and Iron Gate Dam. Knight Piesold (KP) and Kiewit prepared the construction plans and specifications, design report, and supporting documents for the dam removal work, as well as recreation site demolition, tributary culvert replacements, road improvements, and Erosion and Sediment Control plans. Responsible for construction of all the features related to dam removal and final river channel grading. |
| RES/Stantec                     | Reservoir Restoration Design Builder | Progressive Design Builder for the reservoir restoration and tributary reconnection work elements. RES, with assistance from its design consultant, Stantec, prepared the 60% design documents, permit management plans, and supported design of the Klamath River channel restoration design through the existing dam footprint. Responsible for construction of these features as well as overall site permanent vegetative restoration following completion of the dam removal.                                     |

**Table 2. Summary of June 2022 Final Construction Plan Submittal to FERC**

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| <b>Attachment</b> | <b>Description</b>  | <b>Prepared By</b>                     | <b>Design Builder or Contractor</b> | <b>Contains CEII</b> |
|-------------------|---|--|-------------------------------------|----------------------|
| A                 | June 2022 Final Dam Removal Construction Plans, Technical Specifications, and Design Report                       | Kiewit/KP                              | Kiewit                              | Yes                  |
| B                 | June 2022 Final Existing Conditions Assessment Report (ECAR)  | Kiewit/KP                              | Kiewit                              | Yes                  |
| C                 | June 2022 Final Dam Removal Erosion and Sediment Control Plans  | Kiewit/KP                              | Kiewit                              | No                   |
| D                 | 60% Reservoir Restoration Construction Plans and Design Report  | RES                                    | RES                                 | No                   |
| E                 | Quality Control Inspection Program (QCIP)   | McMillen Jacobs                        | Kiewit, RES                         | Yes                  |
| F                 | Temporary Construction Surveillance and Monitoring Plan   | McMillen Jacobs                        | Kiewit                              | Yes                  |
| G                 | Preliminary Dam Removal Blasting Plan   | Kiewit                                 | Kiewit                              | Yes                  |
| H                 | Temporary Construction Emergency Action Plan (TEACP)  | Kiewit                                 | Kiewit                              | Yes                  |
| I                 | Project and Construction Schedule   | Renewal Corporation and subcontractors | Kiewit, RES                         | No                   |
| J                 | Daggett Bridge Construction Drawings, Technical Specifications, and Design Report                                 | McMillen Jacobs                        | Kiewit                              | No                   |
| K                 | City of Yreka Permanent Water Pipeline Relocation Construction Plans, Technical Specifications, and Design Report | McMillen Jacobs                        | Kiewit                              | No                   |
| L                 | Fire Management Ramps and Dry Hydrants Construction Plans   | McMillen Jacobs                        | Kiewit                              | No                   |

|   |   |                 |            |    |
|---|---|-----------------|------------|----|
| M | Fall Creek Hatchery Construction Plans, Technical Specifications, and Design Report | McMillen Jacobs | J.R. Merit | No |
|---|---|-----------------|------------|----|

**Exhibit A. June 2022 Final Dam Removal Construction Plans, Technical Specifications, and Design Report**

The Renewal Corporation’s design build contractor, Kiewit/KP, prepared the final dam removal construction plans, technical specifications, and design report. The final documents present the construction details and sequencing for the removal of JC Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams, powerhouses, and related structures. The Kiewit/KP analysis and design extends from the JC Boyle reservoir to the Iron Gate Dam tailrace including the hydraulic, sediment transport, reservoir drawdown, and final channel configuration through the existing dam footprints. The construction drawings illustrate the facilities to be removed and final channel restoration requirements within the Klamath River channel to establish volitional fish passage. The final dam removal documents also include the demolition of the existing recreation facilities, existing road and bridge improvements required to support construction, transmission demolition which will be completed by Kiewit, and temporary and permanent site restoration requirements. The construction documents for the Scotch Creek, Camp Creek, and Fall Creek culvert replacements are included in this package. Kiewit/KP is serving as the design builder responsible for the reservoir drawdown and dam removal work effort. McMillen Jacobs will provide construction management serving as the Renewal Corporation’s Owners Representative.

**Exhibit B. June 2022 Final Existing Conditions Assessment Report (ECAR)**

The ECAR was developed to provide an assessment of the condition of the existing facilities of the Lower Klamath River Project as well as data used in the preparation of the Project construction documents. The ECAR is intended to provide support documentation and establish the baseline conditions upon which the Guaranteed Maximum Price (GMP) was based. The ECAR will be used in conjunction with the final construction design report establishing the basis for the existing facility conditions upon which the design was developed. The ECAR was prepared by Kiewit/KP with input from RES and reviewed by McMillen Jacobs.

**Exhibit C. June 2022 Final Dam Removal Erosion and Sediment Control Plans**

The erosion and sediment control (ESC) drawings were prepared and included in the final dam removal construction documents. Detailed SWPPP plans for the construction work activities were then prepared based on the proposed design details. This package consists of the final construction documents and SWPPP plans. The ESC and SWPPP plans were developed by Kiewit/KP with input from Camas, RES, and McMillen Jacobs. Kiewit/KP will be responsible

for the implementation of the temporary and permanent BMPs during construction with RES assuming responsibility for installation of long-term vegetation restoration measures.

#### **Exhibit D. 60% Reservoir Restoration Construction Plans and Design Report**

The Renewal Corporation retained RES as the design build contractor for the reservoir restoration work. RES and its design consultant, Stantec, prepared 60% level construction drawings and a design report which illustrated the design approach and details based on the assumed conditions which will occur post-dam removal. The 60% design package was used to set the criteria and basis for the GMP associated with the reservoir restoration and tributary reconnection construction work. Upon completion of the dam removal and final sediment flushing in the spring of 2025, RES will conduct a final LiDAR survey, update its 60% design and construction documents, then issue a 100% Issued for Construction package. This package will be submitted to FERC for final review and approval prior to the commencement of restoration work. The final package will include the construction drawings, technical specifications, and design report. RES will construct the reservoir restoration measures as outlined in the construction documents. McMillen Jacobs will provide construction management oversight and quality assurance.

#### **Exhibit E. Quality Control Inspection Plan (QCIP)**

The Renewal Corporation prepared the QCIP which outlines the independent quality control and quality assurance program (QA/QC) plan which will be implemented in the field for oversight of the Kiewit and RES construction work. The QCIP identifies the responsible parties, staff, and communication protocol required to implement and maintain an independent QA/QC program in accordance with FERC guidelines. The QCIP will be managed in the field by McMillen Jacobs with ultimate responsibility for implementation being held by the Renewal Corporation. The QCIP also defines the requirements for an independent Environmental Compliance Monitor who will work in concert with the resident engineer to ensure full compliance with the QCIP requirements and reporting procedures.

#### **Exhibit F. Temporary Construction Surveillance and Monitoring Plan (TCSMP)**

The Renewal Corporation prepared the TCSMP which outlines the procedures and guidelines required to ensure dam safety requirements are met throughout the dam removal process. During the Pre-Drawdown period, the monitoring requirements will utilize the existing PacifiCorp STID guidelines and the monitoring equipment and procedures. During the Drawdown period, new measures will be implemented which are tailored to the dam removal process ensuring the partially removed facilities remain safe and addressing the Probable Failures Modes (PFMs) identified during the Construction Failure Modes Analysis (CFMA) conducted by the Renewal Corporation. The TCSMP was prepared and will be implemented by McMillen Jacobs for the Renewal Corporation.

### **Exhibit G. Preliminary Dam Removal Blasting Plan**

Blasting will be required as part of the dam removal process to facilitate removal of the existing stoplogs at JC Boyle Dam spillway, construction of the low-level outlet at Copco No. 1, opening of the existing diversion tunnel at Copco No. 1, removal of the Copco No. 1 dam, and sequenced removal of Copco No. 2 diversion dam. Site blasting will also be required to construct the road widening of the existing Copco No. 1 powerhouse access road providing safe operating conditions for heavy construction equipment. A preliminary blasting plan was developed which provides the basic means and methods, equipment, and personnel qualifications. Kiewit prepared the preliminary blasting plans and will be responsible for implementation in the field. McMillen Jacobs will provide construction management oversight serving as the Owners Representative.

### **Exhibit H. Temporary Construction Emergency Action Plan (TCEAP)**

The Renewal Corporation working with its dam removal design builder, Kiewit/KP, prepared a TCEAP plan for the Lower Klamath Project. The TCEAP provides the emergency actions, routes, procedures, and communication protocols which will be implemented in the field if an emergency occurs requiring prompt evacuation of personnel from the work zone, particularly below the dam facilities which are being removed. The TCEAP will be implemented by Kiewit with construction management oversight by McMillen Jacobs.

### **Exhibit I. Project and Construction Schedule**

The Renewal Corporation prepared the Project Schedule illustrating the regulatory, permitting, and construction schedule to implement the Definite Decommissioning Plan. The schedule was developed around the baseline assumption of final license surrender in late 2022, allowing final Notice to Proceed (NTP) and contractor mobilization in March 2023. As outlined in the Definite Decommissioning Plan, the construction work will be executed in three work phases:

- **Pre-Drawdown** extending from March to December 2023 consisting of the activities required to prepare for reservoir drawdown and dam removal. The primary work activities which will be completed in the Pre-Drawdown period include improvements to the existing roadway and bridges, construction of site access and the new low-level adit at Copco No. 1, removal of Copco No. 2 diversion dam, and improvements to the Iron Gate outlet tunnel. The Fall Creek Hatchery, City of Yreka pipeline, and new Daggett Bridge along with transmission line relocations and installation of temporary power drops will also be completed during this period.
- **Drawdown** will occur during the period of January to December 2024. The work activities include the reservoir drawdown, sediment flushing, dam removal, powerhouse removal, diversion tunnel closure, support facilities and structures removal, and river

channel restoration through the existing dam footprints. Site restoration and permanent BMP's will be installed at the completion of the Drawdown work activities.

- **Post-Drawdown** which will occur in 2025 and consist of final sediment flushing during the natural spring river freshet followed by final reservoir area grading and planting. The Scotch Creek and Camp Creek culverts along with the tributary reconnections will be constructed during this period.

#### **Exhibit J. Daggett Bridge Construction Drawings, Technical Specifications, and Design Report**

Within the 60% design submittal to FERC, the Renewal Corporation proposed to construct a temporary bridge across the Klamath River to provide access for heavy equipment to support the Copco No. 2 powerhouse and related facilities removal. Subsequent analysis found that construction of a permanent bridge at this location would facilitate permanent relocation of the City of Yreka water supply pipeline during the Pre-Drawdown work phase, support the dam removal construction activities, and provide permanent access for recreation post-dam removal. McMillen Jacobs associates prepared the final construction drawings, technical specifications, and final design report, and will provide oversight during construction as the Renewal Corporation's Owners Representative. Kiewit will construct the Daggett Bridge.

#### **Exhibit K. City of Yreka Permanent Water Pipeline Relocation Construction Plans, Technical Specifications, and Design Report**

The City of Yreka pipeline originates at an intake near the tailrace of the PacifiCorp Fall Creek powerhouse tailrace. The City withdraws water from Fall Creek, then conveys it via a pipeline down Copco Road and crosses the Klamath River near the mouth of Fall Creek. When originally constructed, the pipeline was installed on the river floor under what is now the Iron Gate Reservoir. The pipe has minimal cover material through the river crossing. A permanent pipe crossing which provides protection of the pipeline through the full range of river flows is required within the Pre-Drawdown period to prevent pipeline failure and endangering the City of Yreka water supply. Within the 60% design submittal to FERC, the Renewal Corporation proposed to construct a temporary pipeline across a proposed temporary bridge across the Klamath River during the Pre-Drawdown period. The temporary bridge would be used for construction access during the Copco No. 2 powerhouse and related facilities removal. Upon dam removal construction completion, a permanent buried water pipeline crossing would be constructed near the existing pipeline Klamath River crossing. Subsequent analysis found that construction of a permanent bridge at this location would facilitate permanent relocation of the City of Yreka water supply pipeline during the Pre-Drawdown work phase, support the dam removal construction activities, eliminate the permanent buried pipeline under the Klamath River, and provide permanent access for recreation purposes post-dam removal. McMillen Jacobs associates prepared the construction drawings, technical specifications, and final design

report, and will provide oversight during construction as the Renewal Corporation's Owners Representative. Kiewit will construct the Daggett Bridge.

#### **Exhibit L. Fire Management Ramps and Dry Hydrants Construction Plans**

The Renewal Corporation developed a Fire Management Plan which outlines the facilities required to provide effective fire management post drawdown when the reservoirs are no longer available as a source of fire-fighting water. The Renewal Corporation working with River Design Group and McMillen Jacobs prepared final construction documents for new fire ramps and dry hydrants located along the Lower Klamath River reach, which will be installed to support long term fire management objectives. Kiewit will construct these facilities.

#### **Exhibit M. Fall Creek Hatchery Construction Plans, Technical Specifications, and Design Report**

Removal of Iron Gate Dam will result in the elimination of the existing water supply intake and pipeline to the existing Iron Gate Hatchery, as well as the adult collection and holding facilities located at the base of the dam. The fish production currently housed at Iron Gate Hatchery will be moved to a new hatchery production facility located at the site of the existing Fall Creek Hatchery near the PacifiCorp Fall Creek Powerhouse. The construction plans detail the proposed water supply intake, piping, rearing facilities and building, and adult collection and spawning facilities planned at this site. PacifiCorp is implementing the project construction. McMillen Jacobs Associates prepared the construction drawings, technical specifications, and design report, and is providing engineering support during construction to PacifiCorp.

#### **Future Submittals**

The Renewal Corporation's final consolidated construction package provides the construction details for completing the Pre-Drawdown and Drawdown work activities, as well as the design approach for the reservoir restoration construction. As noted above, the 100% construction drawings, technical specifications, and design report for the reservoir restoration will be completed by RES upon completion of the dam removal and final sediment flushing in the spring of 2025. This package will be prepared using updated LiDAR data to prepare the final restoration details. The final construction plans for reservoir restoration will be submitted in 2024 with construction in 2025.

The proposed development of new recreation sites (Pioneer Park West, Moonshine Falls, Copco Valley, Fall Creek, and Iron Gate) is in the design development stage in consultation with interested parties. The 100% construction drawings, technical specifications, and support documents for this work is planned for submittal in the fourth quarter of 2023, with construction to occur in 2024-2025.



In November 2022, the Renewal Corporation will update the 2021 version of its Health and Safety Plan<sup>2</sup> to conform with the final consolidated construction package. The Renewal Corporation will file an update to the 2021 version of its Public Safety Plan<sup>3</sup> upon completion of consultation with PacifiCorp and local law enforcement authorities. The Renewal Corporation anticipates, based on the status of ongoing consultations, that the Public Safety Plan will be filed in August 2022.

## **REQUEST FOR CEII TREATMENT**

As noted in Table 2, the June 2022 final consolidated construction package includes documents that contain specific detailed information designated as Critical Energy/Electric Infrastructure Information (“CEII”) under the Commission’s rules. These documents are enclosed. Public versions of the June 2022 final consolidated construction package are being concurrently filed in this proceeding.

The Renewal Corporation requests confidential treatment of the documents contained in the June 2022 final consolidated construction package that are marked CEII pursuant to 18 C.F.R. § 388.113. The CEII has been marked according to the Commission’s instructions. These documents qualify as CEII pursuant to the Commission’s rules because they contain sensitive dam safety and construction information that (a) relates details about the production, generation, transmission, or distribution of energy, (b) could be useful to a person planning an attack on critical infrastructure, (c) is exempt from mandatory disclosure under the Freedom of Information Act, and (d) gives strategic information beyond the location of the critical infrastructure. Accordingly, the Renewal Corporation requests confidential treatment of these documents pursuant to 18 C.F.R. § 388.113.

The CEII being submitted with this filing will continue to be CEII so long as the Lower Klamath Project continues in operation. While the Renewal Corporation expects the Lower Klamath Project to be decommissioned and removed on or before December 2024, it is possible the period for decommissioning and removal could be greater than the five-year period set out in 18 C.F.R. § 388.113(e)(1). Upon any expiration of the CEII designation, the critical infrastructure information should therefore be treated as CEII and re-designated so long as the Lower Klamath Project remains in operation. A proposed CEII Protective Agreement was filed in FERC Nos. P-14803-001 and P-2082-063 on December 1, 2017 (FERC accession no. 20171201-5385) and is referenced here for purposes of 18 C.F.R. § 388.113(d)(1)(iii).

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<sup>2</sup> Update of Management Plans to Implement Definite Decommissioning Plan; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063, (Dec. 14, 2021), FERC accession no. 20211214-5058 (2021 Management Plan Update), Exhibit E.

<sup>3</sup> 2021 Management Plan Update, Exhibit E, Appendix C.

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The Renewal Corporation appreciates the opportunity to submit our consolidated construction package for review by FERC and the BOC. Should FERC require any further information, please direct any such requests to counsel as identified below.

Respectfully submitted,

s/ Markham A. Quehrn

Markham A. Quehrn Perkins Coie LLP  
Attorneys for Klamath River Renewal Corporation

Enclosures

cc: Lower Klamath Project Board of Consultants  
Service Lists (FERC Nos. P-14803-001 and P-2082-063)